

DISTRICT OF NEVADA

Defendant.

**EX PARTE MOTION FOR ISSUANCE
AND SERVICE OF SUBPOENAS
PURSUANT TO RULE 17(b) OF THE
FEDERAL RULES OF CRIMINAL
PROCEDURE**

/s/Thomas A. Ericsson
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Counsel for Frankie Allen Peraza

MEMORANDUM OF POINTS AND AUTHORITIES

The Government charged Defendant Frankie Peraza with one count of Receipt or Distribution of Child Pornography in violation of 18 U.S.C. § 2252(a)(2) & (b)(1). Trial is currently set for August 8, 2016. Peraza is currently in custody at the Nevada Southern Detention Center. On July 10, 2014, the Court reviewed Peraza's financial affidavit and declared him indigent. Thus, Peraza is unable to pay for the issuance of subpoenas and witness fees.

Counsel seeks issuance of the attached subpoena (Exhibit A) to Las Vegas Metropolitan Police Officer (LVMPD) Mark Linebarger, P4925. Counsel intends to present Officer Linebarger's testimony during the evidentiary hearing scheduled for June 27, 2015. As such, Counsel respectfully requests this honorable court grant Peraza's request to issue and serve the attached subpoena for LVMPD Officer Mark Linebarger.

Pursuant to the Order Appointing Counsel and Directing the Marshal to Serve Subpoenas at the Government's Expense issued on July 10, 2014, [DOC. #11], all subpoenas in the matter should be issued by the Clerk of the Federal Court, and then, served by the U.S. Marshal's office. LVMPD has indicated that the Subpoena may be served either via facsimile at (702) 828-1551 or in person to Las Vegas Metropolitan Police Department, at 400 S. Martin Luther King Blvd., Building C, Las Vegas, Nevada 89106.

Based on the foregoing, Peraza requests that the attached subpoenas be issued and served forthwith.

DATED this 17th day of June, 2016.

IT IS SO ORDERED.

Dated: June 22, 2016



United States Magistrate Judge

/s/Thomas A. Ericsson
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